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‘To Act upon one’s Time..’ From the impulse to resist to global political strategy

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Abstract

This article reflects on the possibilities for political action emerging out of quotidian engagements. Following controversies on the patenting of seeds in Canada and globally within the Committee for Food Security I explore what gave the impulse for political resistance in these different arenas. How did collective action emerge and how did it sustain itself? Three political concepts are important for understanding the political actions that I observed: Eigen-Sinn, empathy and strategy. These allowed me to follow and theorize political engagements. I first reflect on the potential to resist as a capacity of all human beings, because they have Eigen-Sinn: the capacity to attribute their own meanings to things, and act in their own self-interested way according to the meaning given. Self-interested action can only become political, however, when humans go beyond their strictly individual interests and empathize with others (humans and nonhumans), what Adorno described as getting into ‘live contact with the warmth of things’. Finally, I discuss how collective action can become not only possible, but also effective, by building and defending a space for strategic action.

Keywords

Social movements, intellectual property rights, resistance, seeds, sensorial engagement, reflexivity, political action, legal anthropology, multilateral governance, farmers

TO ALL GENETIC ENGINEERING ACTIVISTS

Folks, this affects everyone.

This is about food imperialism.

This is an infringement on our rights . . .

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. . . rights for food safety, the right to farm,
the right to property.
The right to know what's in our food!

Email in support of Percy Schmeiser sent out by MIRAGE (Michigan Resistance Against Genetic Engineering), 1 April 2001.¹

This could be read as an account of lost battles in a long descent towards dispossession, but it is meant as a tale of hope about how people dared to act upon our world, grasped the chances of the conjuncture they faced and attempted to move societal change in a different direction, away from appropriation and predation towards sensitivity and solidarity. They mobilized against intellectual property rights over seeds and major investments in proprietary agricultural biotechnologies, while elected governments, law courts and multilateral organizations attempted in multiple ways to silence their voices and make them obey what they saw as the unassailable right to progress and economic growth in a march to deepen the commodification of farming and of life itself.

This article reflects on the possibilities for political action that emerge out of quotidian engagements. I follow controversies surrounding the patenting of seeds in Canada and globally through the United Nation's Committee for Food Security (CFS) to explore what caused the impulse for political resistance in these different arenas. How did collective action emerge and how did it sustain itself?

Three theoretical concepts are important for understanding the political actions that I observed: Eigen-Sinn, empathy and strategy. These allowed me to follow and theorize political engagements. I first reflect on the potential to resist as a capacity of all human beings, because they have Eigen-Sinn: the capacity to attribute their own meanings to things, and act in their own self-interested way according to the meaning given. Self-interested action can only become political, however, when humans go beyond their strictly individual interests and empathize with others (humans and nonhumans), what Adorno (1978: 43) described as getting into 'live contact with the warmth of things'. Finally, I discuss how collective action can become not only possible, but also effective, by building and defending a space for strategic action.

The imperative to act politically

Adorno emphasizes the 'contradictory nature of the processes of self-control inherent to liberal logic, leading to the coexistence of freedom and obedience; independence and powerlessness' (Genel, 2007: 94; see also Horkheimer and Adorno, 1974). In capitalist societies, individuals are compelled to be self-directing, while losing their power of decision-making. This becomes particularly obvious when large numbers of grain farmers voluntarily adopt transgenic patented seed varieties or subscribe to Technology Use Agreements that make the reseeding of the crop illegal and allow agents of the seed company to check their fields and silos for three years after the crop has been harvested. Individuals in capitalist societies

become subject to, and may internalize a social order that is itself disguised as a necessity to which they must adapt. Many farmers experience this order as the law of market competition and, thus, will adopt the most recent biotechnology to compete with their neighbours and distant strangers to have the best crop. Have farmers indeed lost their freedom to the realm of necessity?

For Adorno (1966: 215), freedom as an experience is linked to reflexivity, to the ability of thinking/thought (*Denken*) to question itself. He joined Kant who said: 'The means of emancipation lies in independent thinking, specifically in the courage of such thought' (Kant, 1784). For example, a farmer who complains about the contractual conditions of biotechnology corporations but continues to buy their seeds may be smart, but as far as Adorno (1970: 133) is concerned, would lack the resolution and boldness necessary to use the reason he owns. However, Adorno rejects the Kantian idea of an autonomous subject acting according to static and formally invariable moral law. For him, it is 'the lived, material and a posteriori context that calls for action and in which action happens' (Macdonald, 2011: 2; see also Adorno, 1966). It is this emphasis on the lived quotidian experience and on the capacity for self-reflection that brings Adorno's concept of autonomy close to Foucault's concept of counter-conduct and Gramsci's concept of good sense. Foucault (1990) explicitly links counter-conduct to a critique of the way in which our conduct is governed in everyday life. It implies an understanding of how a person is conducted and how this conduct could and should be otherwise. Whereas for Foucault, counter-conduct is a quotidian 'partner and adversary' of the arts of governing (Foucault, 1990: 38, quoted in Davidson, 2011: 37), for Adorno the autonomy of the individual is a *possibility* that emerges out of an exceptional drive to resist oppression. In this article I want to explore this exceptional drive to resist in the mundane practice of a farmer who reseeded grains that he found in his field.

For Gramsci, subalterns have a perception of the world born out of experience and shaped by traditions. However, if they are to speak in politically effective ways, they need to develop their own organic intellectuals, intellectuals who transform their incoherent and often contradictory 'common sense' into a grasp of the totality and its transformative potentialities, which he calls 'good sense' (Crehan, 2002: 98). Although this 'good sense' is, thus, ultimately grounded in lived experience, it can only ever emerge in communication with others who understand. This differentiates Gramsci's good sense from Adorno's concept of autonomy, which does not need an intellectual intermediary. Autonomy is born out of the spontaneous resistance of the individual against perceived injustice towards others that leads to questioning the mechanisms of oppression. In this article, I will analyse a situation in which spontaneous individual resistance received the support of others and evolved to become political. I will then examine the importance of staying connected to lived experience when developing coordinated collective strategies.

Freedom only ever emerges in concrete historical situations; it is never entirely achieved. It exists only if reflection is followed by action and if those actions have consequences that were intended. However, freedom cannot be achieved

completely either individually or socially in a society with unjust institutions (Adorno, 1978) and economic constraints. How, then, can a critical practice of world-making or politics emerge (Postero and Elinoff, 2018)? How does it emerge out of day-to-day experience, out of a gut feeling of being unfairly treated? Where does the courage to think one's own thoughts and to act on them come from?

Eigen-Sinn or impulse to act according to one's own mind

I approached these questions observing more or less mundane and everyday practices in which men and women affirm themselves in thought and in action, what Alf Lüdtke calls their *Eigen-Sinn*. Lüdtke (1993) transformed the word *Eigensinn* (untranslatable into English), which falls within the semantic field of cunning, stubbornness, cussedness and independence, into the concept of *Eigen-Sinn*. The word *Eigensinn*, rendered in a 19th-century German dictionary as '*animus difficilis, obstinatus*' (a difficult, obstinate mind), has an ambiguous and situated connotation. The concept of *Eigen-Sinn* developed by Lüdtke designates the ability and the need of an individual in a relationship of domination to perceive and appropriate reality as well as to act. The spectrum of behaviours motivated by *Eigen-Sinn* is, hence, quite broad and self-contradictory, as described by Lindenberger (2014: 7):

It ranges from the zeal of glowing idealists or the egoistic exploitation of the possibilities of active participation, to outwardly loyal but inwardly distant behaviors, to passive forms of non-compliance or open dissidence and resistance to the claims made by higher authorities.

In short, *Eigen-Sinn* has no moral connotation; it is ambiguous and located. It can lead to both a reprehensible or morally good practice. It refers to the individual, his/her intent, but it is not to be confused with the idea of a rational autonomous subject because *Eigen-Sinn* can also be pre-reflective and pre-rational. My interest in the concept is precisely this sensorial dimension and its drive, its physical and emotional inscription in concrete experience that elicits a more or less spontaneous reaction. It allows for thinking about the impulse for an action that *can* become political as something more than the outcome of purely rational decision-making.

Lüdtke (1997) rejects the idea that subjects would succumb to and be determined by 'social structures'. He postulates that historical actors interpret constellations of power and economic situations and 'seize' (*aneignen*) opportunities and avoid constraints. This idea resonates with the concept of experience developed by Dewey (1925) and later taken up by Edward P. Thompson (1995). According to Dewey, the human body interacts actively with the world by coordinating and integrating sensorial and motor responses. There is a multiplicity of ways in which the world affects the subject and in which the subject senses and perceives the world. From the outset, individuals participate in the active manipulation of the environment in processes that are intentional but not necessarily guided by reason. The implication of this theory of knowledge is that the world is actively perceived, deeply felt,

explored in action and, thus, known. However, using abstract elements, reflexivity enters only at a later stage after accumulating data and experience to test the validity of the solution.

Political action and reflection can grow out of the *Eigen-Sinn* of an individual, as in the well-known patent infringement case that pitted the multinational agricultural corporation Monsanto against the Saskatchewan farmer Percy Schmeiser (Müller, 2006). I have followed the case since 2003 during my years of fieldwork in Saskatchewan, interviewing Schmeiser, his lawyers, supporters and opponents, analysing hundreds of pages of court material and attending the Supreme Court trial.

The case began in 1997 with the quotidian routine of the grain farmer Percy Schmeiser, who cleaned the ditch of his roadway by spraying it with the herbicide glyphosate. A year before, in 1996, for the first time, a genetically modified (GM) oilseed, canola, which had been rendered resistant to the broad spectrum herbicide glyphosate, was authorized and marketed in Canada. The seed was patented by Monsanto and very expensive. After he sprayed the ditch, Schmeiser drove past the spot a few days later and saw that most of the vegetation had wilted but that a considerable number of canola plants had survived his treatment. He was intrigued to have found the quality of herbicide resistance in a canola that was growing just at his roadside and collected the plants to seed them the following year. Proud of his feat, he related his discovery to his neighbours. Jealous, one of them denounced him to local agents of Monsanto who were monitoring canola producers' fields to enforce their intellectual property rights. In 1998, a Monsanto agent approached Schmeiser, warning him either not to reseed this canola or to sign a licence agreement for using what he claimed to be Monsanto's patented canola and pay a licence fee. Schmeiser refused, maintaining that he owned all the seeds that had grown from plants in his field, and that he would use them for reseeding as he wished because they were his property. Monsanto then filed a complaint against Schmeiser for infringement of the company's intellectual property rights. Schmeiser admitted in court to seeding the canola found by the wayside, but insisted that he had been within his rights.

Contrary to hundreds of farmers accused of infringement of Monsanto's rights who had settled out of court, Schmeiser and his wife risked their personal savings in a series of extremely expensive trials. As he noted,

The lawsuit cost me 400,000 dollars plus six years of my time, when I did nothing else but fight the case. I was tied up most of the time. I had to hire somebody to farm. The worst time was when we thought we could not go on; when the federal court of appeal held up the trial judge's decision. Monsanto's Tris Jordan said immediately: he is out; he is finished! (personal communication, 2005)

After 1998, Schmeiser had to destroy his entire stock of canola seeds that he prided himself on having selected over 50 years, because among them were transgenic seeds whose glyphosate resistance gene Monsanto claimed as its own.

Stubbornly (*eigensinnig*),² for eight years from 1996 to 2004, Schmeiser defended himself against the accusation of infringement of Monsanto's rights in a series of trials up to the Supreme Court of Canada (Müller, 2006).

In this case, two conceptions of property or, as Sir Henry Maine defines it, two 'bundles of power' (Hann, 1998: 8; Verdery, 1998: 161) opposed each other. The first conception, one that Schmeiser held, referred to the inviolability of land ownership as a fundamental right in a democratic society. This Lockean conception holds that the essential function of institutions in a liberal society is the protection of the property of individuals (their estate) over tangible things and also over intangible things, such as 'life', 'liberty' and 'labour', which, in turn, are the foundation of their material property (Locke, 1689: sec. 87). Schmeiser's lawyer argued that according to ancient British common law, which for centuries ruled relationships between neighbouring farmers, the owner of the land could naturally claim property over anything that came on to his land, for example, the offspring of a bull that jumped the fence and impregnated his cow. Similar to a bull, the glyphosate-resistant canola had trespassed on Schmeiser's field. He commented,

It's pretty windy here in the prairies. I think, Monsanto is trying to make an example of me, because other farmers have also found unwanted GM seeds on their land. But I didn't watch my grandparents clear the land and build this farm just to have the profits taken over by a big multinational corporation. (Schmeiser, quoted in Bridgland, 2000)

As Schmeiser owned the land where the canola plants were growing, he claimed the perpetual, exclusive and inviolate right over the tangible property on it. Lockean liberal philosophy had become part of his intuitive mindset, and Monsanto's claim offended his sense of right and wrong. 'We were seed developers. I never had something to do with Monsanto. The rapeseed that we were growing for fifty years, all of the sudden did not belong to us any more' (personal communication, 2005).

The second conception of property claimed by Monsanto places the right to intellectual property above the right to the private enjoyment (to use the Lockean term) of landed property. Intellectual property rights define a link between producer and product in such a way that, although third parties may enjoy the property and create more property from it, its future use must continue to be for the benefit of the original producer (Strathern, 1996: 215). Lawyers acting for the biotechnology company argued that the plant was nothing but a composition of matter, and claimed that the farmer illegally 'used' (i.e. stole) the company's patent when he allowed a GM seed to become a plant in his field. The gene, regardless of where it might appear and for as long as the patent held, was Monsanto's property. However, the transgenic canola plant was not simply an inert 'composition of matter' as the lawyers claimed, but alive, reproducing naturally, and spreading and invading. This went along with the expanding property claims of the

multinational corporation over the private property and, thus, the privacy and autonomy of the farmer.

In May 2004, the Supreme Court of Canada decreed (with five votes to four) that the chimeric gene that Monsanto had ‘made’ was actually ‘used’ in the canola plant, similar to speciality steel used in a car, or Lego blocks in the construction of a toy castle. Entering into possession of a patented seed without signing a contract did not erase the intellectual property rights of the ‘inventor’ and the corporation that registered the patent: ‘Possession does not excuse the breach of a patent’ (Monsanto Inc. v. Schmeiser, 2004: 96). Monsanto could now claim a property right to every canola plant that was resistant to glyphosate and that was growing in a farmer’s field in Canada, regardless of their intent. This judgement set a precedent for infringement cases all over the world in which farmers were being persecuted because they had reseeded crops contaminated by transgenic varieties.

In the conflict, Schmeiser claimed his right to the land and all that was in his field. He also asserted his knowledge as a farmer who selects and improves his own seed. Schmeiser’s act of collecting herbicide-resistant canola seeds to try out in his field can be understood as an instance of what Gramsci (Hoare and Nowell Smith, 1971) called ‘common sense’, in this case grounded in the age-old conception of the seed in agrarian practices. The seed was there for the taking. It had the same properties as all of the new, expensive herbicide-resistant seed his neighbours were raving about. Whether this seed was transgenic or not, Schmeiser did not care. It was in his field; therefore, it was his. Common sense is profoundly inconsistent: some aspects of common sense are inherited and absorbed uncritically and, therefore, potentially induce moral and political passivity; other aspects are a consequence of practical experience and carry with them the potential for a ruthlessly realistic view of the nature of power, which Gramsci called ‘good sense’ (Crehan, 2002: 98). From this perspective, the Eigen-Sinn is a drive or impulse to use common sense.

Schmeiser had never before brought into question the patentability of living organisms. To use Gramsci’s (Hoare and Nowell Smith, 1971) distinction, Schmeiser’s common sense made him happy to find seeds resistant to herbicide for free in his field, while his good sense revolted against the property claim of the multinational corporation. The German adjective *eigensinnig* describes his sense of ‘wilfulness, spontaneous self-will, a kind of self-affirmation, an act of (re)appropriating alienated social relations... by... demarcating a space of one’s own’ (Lindenberger, 2014: 1). He spontaneously refused in 1998 to cede to the Monsanto agent and showed extraordinary tenacity in fighting his case during many long and costly legal battles.

However, this Eigen-Sinn alone was not yet political, not yet part of ‘a critical practice of world-making’ (Postero and Elinoff, 2018). If Eigen-Sinn is driving the action and it resides in the individuals who act in ‘the field of societal forces’ (Thompson, 1978: 151), in terms of opportunities and constraints, how do their actions become political?

Empathy or getting in touch with the warmth of things

Moments of freedom emerge in moments of resistance, said Adorno: 'Freedom becomes concrete from changing forms of repression—in opposing them' (Adorno, 1966: 260). In these moments, reason marries a natural impulse. It is physically experienced, born out of the suffering of others or out of the loss of intimate connection. As it becomes unbearable, it drives men and women to act. The autonomy and the possibility of solidarity are, therefore, based on empathy, beyond the control of reason and beyond the scope of social norms (Ricard, 2012: 98). For Adorno, political action is not just the consequence of rational thinking; it is linked to the sensorial and emotional engagement of human beings with their environment, both social and natural. In other words, for humans to engage critically with the world and become able to act politically, abstract moral law and rational thinking are necessary, but not sufficient; such engagement requires first and foremost empathy with others and lived contact with the world that is damaged by instrumental rationality and the technological apparatus. Establishing this direct connection gives humans the courage to use the reason they own. Real autonomy, Adorno says, is dependent upon a process whereby consciousness experiences contradiction not as something meaningless, but rather as the force that propels it to consider and diagnose contradictions in order to overcome them (Adorno, 1966).

Schmeiser's trial attracted the attention of activists around the world. Although his neighbours ostracized him, caught up as they were in local animosities and in production contracts with agricultural corporations, he received moral and financial support from thousands of people all over the world whom he did not know and many of whom he would never meet in person. Canadian civil society organizations, however, were in two minds about supporting Schmeiser. It was important to break Monsanto's patent, but they doubted whether Schmeiser, who was not in principle opposed to GM technology, was the right person to carry the case. The media depicted him as the David to bring down Goliath and, indeed, he acted more like a lone wolf rather than as somebody who shared enough of the political agenda of Canadian Civil society organizations to carry it forward. For a while Schmeiser joined the progressive National Farmers Union to secure their support with an affidavit for the Supreme Court hearings, but he never became an active member.

Paradoxically, then, support for Schmeiser grew strong among people far from his local context and outside the concrete legal situation in Canada. The thousands of individuals and organizations who contributed financial support to help cover Schmeiser's tremendous legal fees were neither impressed by the purity of his moral stand, nor by the type of farming he practised. People became involved with Schmeiser because they 'felt' with him, as an email calling for support for him shows:

If you feel as strongly as I do about the threat that corporate bullying of farmers and other citizens means to a free society; if you're as sick and tired as I am of watching corporations buy government favor and waltz in and out of key cabinet positions; and

if you just feel as I do that Percy Schmeiser has been given a raw deal – both by Monsanto and by the Federal Court in Ottawa – then may I please ask you to call or write him and tell him you support what he’s doing?³

The author of the email, a consultant from the United States with no direct professional connections to biotechnology but with experience in patent law, was a master gardener in her free time. Her support for Schmeiser was sparked by a gut feeling of empathy and moral outrage. As Adorno would say, reason married a natural impulse.

Seed savers, gardeners, farmers and other citizens all over the world helped him because they felt with him and because they reasoned that although convicting a farmer of patent infringement for reseeded his crop may have been in line with existing Canadian law, it was fundamentally unjust. Justice was not realized because Monsanto obtained the right to every seed carrying their proprietary gene that might invade farmers’ fields. To quote Amartya Sen (2010: 37), ‘whatever the propriety of established organizations, if a big fish remains free to devour a small fish, then this is a violation of human justice, no matter to what the causation of that transgression is traced.’ For Sen (2010: 47), the ‘search for world justice is a central challenge in the world today; not merely because our lives are interconnected, but also because the very presence of our interconnections makes us inescapably interested in and involved with each other’.

Schmeiser’s courage to say ‘No!’ expressed what his supporters felt, and they suffered with him as he acted on that thinking. Although his actions were initially not directed towards a larger public – he was not a whistleblower or a hero – he was made into the symbol for a fight that spoke to a ‘collective imaginary’ (Castoriadis, 1975). This imaginary was directly connected to the object of contention: the seed. The simple act of planting a seed is one of the most universal – and certainly one of the most important – of all human activities (Kloppenburger, 1988). The impulse to support Schmeiser’s act of resistance came out of the sensory and emotional engagement of his supporters with his act of planting that was both social and natural. Marxist theory emphasizes human dependence on and co-creation of the environment and suggests that humans and nature form a single ‘body’ (Marx, 1959: 275; Pálsson, 2009: 297).⁴ This entanglement becomes particularly obvious if we consider the co-evolution between seeds and humans. Seeds bear the traces of humans, but humans also bear the traces of their plants, not least because human bodies have to physically absorb plants in order to live. Seeds are, simultaneously, a meaningful part of the daily practice of many people, the cultured inheritance of vital commons and mediators of power and control, because they act as carriers of national and international food and agriculture policies and as instruments for imposing corporate control on the field of the farmer. Schmeiser was profoundly attached to the canola seeds he and his wife had selected over a 50-year period. His identity as a farmer was ‘co-created’ and ‘co-emerging’ with his seeds (Haraway, 2008). When the patented plant technology arrived in his field, it fundamentally changed his existence (Schraube, 2005: 79). In tearing away from the farmer the

object of his production – here the seed – he is estranged not only from external nature, but also from his own body and from the spiritual, the ‘human’ aspect of his work (Marx, 1959: 275). Concretely, for the farmer, this estrangement means that his skill and judgement are invalidated and his caring relationship with the seed ruptured. It led to what Tania Li (2018) calls ‘the emergence of critique at its embryonic stage’. When Schmeiser seeded his canola, critique was present,

as a ‘structure of feeling’ in which people begin to mark a separation with stubbornness that may be embodied more than stated, or communicated only through a gesture or glance. (Li 2018)

By helping Schmeiser, his supporters were not only in touch with the warmth of things, but acutely aware of the mechanisms that destroy that warmth (Macdonald, 2011: 680). Many of them reflected on the immense power that a multinational corporation would acquire if it could claim ownership of all patented transgenic seeds and the plants growing from them, wherever the wind carried the seed.

For some years after the verdict, Schmeiser was invited to give speaking tours in Europe, Asia, Latin America and Australia, and he became a symbolic figure of the anti-GMO (genetically modified organisms) struggle. He told his story again and again and, gradually, his speech became more refined. When I interviewed him in 2005, his discourse had integrated some of the arguments of the civil society groups that supported him: ‘Going to the Supreme Court meant for us we would be able to bring the whole issue to the largest public: Can you patent a gene? Who can patent a gene? Should anyone be allowed to patent a gene? Who owns life?’ Once Schmeiser felt that others supported him, the political implications dawned on him and the protest potential of the ruthless realism of good sense as Gramsci would say (Hoare and Nowell Smith, 1971) became possible.

With the help and nudging of his supporters, he began to doubt the patenting of life in general and began to think strategically in terms of alerting the larger public to what he conceived as a profound injustice. He assisted other Saskatchewan farmers, who wanted to return to ‘conventional’ canola varieties and had been menaced by Monsanto with infringement claims because ‘volunteer’ GM canola plants had regrown on their field and intermingled with the conventional canola. He discovered that the power structures that were attached to patented transgenic seeds were not only corporate, but also sustained by the Canadian government. He explained,

The Department of Agriculture was found out in 2000 that it was co-financing the development of the GM technology. The regulatory approval for GM canola in 1996 was given for the unconfined release into the environment. So the government gave permission. So who is responsible? It’s the people, the taxpayers. The government was sold on by the words that this new technology will feed the world, is at the cutting edge of world technology. (personal communication, 2005)

Although early on in the trials Schmeiser had claimed that all the seeds in his fields were his property, he now started to resent GM seeds as invasive and contaminating: 'The way to further the introduction of GMOs is to contaminate, take people's choice away. Whatever I hear from the biotech industry. The best way to promote GMOs is contamination' (personal communication, 2005). He affirmed that Monsanto should at least be responsible for the contamination they caused if they could claim the property of every single canola plant. He was vindicated to some extent in 2008 when he succeeded in making Monsanto responsible through a small claims court for paying 640 CAD (circa 630 USD) for hand rouging his 50-acre mustard field from invading GM canola. He hoped this judgement would set a precedent, allowing all farmers whose fields were contaminated by GM seeds to demand the physical removal of the plants. His discourse also started to shift from the defence of his individual property to the defence of collective farmers' rights. He began to argue and plead in his public speeches for the 'farmers' right' to save seeds, which had been enshrined in the International Treaty on Plant Genetic Resources for Food and Agriculture that came into force in 2004.

For those farmers able to resist the logic and the tentacular grip of multinational corporations, seed saving can become an act of everyday rebellion (Phillips, 2013). In France, farmers refused stubbornly to obey the law of 1970 forbidding them to reseed, and some continue to do so today even though more restrictive enforcement measures are in place (Demeulenaere, 2014). Not all seed savers explicitly asserted the right to their own vision of being in the world, as did the French farmers involved in the French seed saver network Réseau Semences Paysannes (Demeulenaere, 2014), but they did draw from the direct sensorial relationship to the seed and the soil, or the enjoyment and vital warmth of the 'earth', as Patočka (1998: 157) would have it, the energy and impulse to act and reflect on the technological constellations, the shared knowledge and the long history of practice that are contained in the seed.

If individuals are drawn to one another and to the world surrounding them through empathy, how can they develop a common political strategy? How can those who oppose seed patents act intentionally and collectively on the field of social, political and economic forces exerted by multinational seed companies? 'To federate causes is one thing; to institute them is another' (Chateauraynaud, 2017: 544). How, then, to move from mobilization around a specific case to making an impact on the legal frame that allows multinational seed and chemical corporations to extent their grip over agricultural practice and the global food chain?

Strategy or building a space for strategic action

Political action emerged in the Schmeiser case out of collective support for his counter-conduct and from the everyday attachment of his supporters to saving seeds; however, in order to have a lasting effect, institutional change is needed. The corporations owning seed patents operate in the global sphere in which the issue of intellectual property rights over living organisms has received international

recognition.⁵ Some of the civil society organizations that wrote affidavits for the Schmeiser case, therefore, moved on to the international stage, attempting to use the human right to food as a lever to compel governments to stop favouring the rights of multinational corporations and to respect the legally binding nature of human rights as the foundation for their decision-making. Instead of presenting hunger as an ethical problem to which technical solutions could be found, this perspective emphasizes that governments ought to pay attention to the inequalities in power and access to resources that *cause* hunger and poverty. The alternative forums to the World Food Summits of 1996 and 2002 helped to launch the concept of ‘food sovereignty’, which evolved into the

right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems. It puts those who produce, distribute and consume food at the heart of food systems and policies rather than the demands of markets and corporations.⁶

I am not going to delve into the interesting history of the concept of food sovereignty here because this has been done elsewhere in great detail (see Edelman, 2014; McKeon, 2009; McMichael, 2014). Instead, I want to examine the concept in the wider context of the claim that we live in a time of ‘post-politics, in which consensus and technical expertise have replaced disagreement’ (Postero and Elinoff, 2018 this volume), using Foucault’s distinction between sovereign and disciplinary power (Müller, 2013). The theory of sovereignty, as Foucault defines it, is linked to a form of power that the sovereign exerts over the land and its products and riches. The legal systems that emerged in Europe and North America in the 18th and 19th centuries have allowed for a democratization of sovereignty and the emergence of public law based on the principle of collective sovereignty (Foucault, 2001: 189). At the same time, however, a new ‘mechanics’ of disciplinary power emerged that could not be transcribed in terms of sovereignty and that was exercised by disciplining people, so that they would act of their own accord, as they ought to act. This new type of power, which the Postero and Elinoff (2018 this volume) call ‘post-politics’, was a result of the emergence of global capitalism and the powerful regime of experts to which the Food and Agriculture Organization (FAO) of the United Nations is subjected and of which it is an integral part. The call for food sovereignty targets precisely this type of governance without sovereign authority that interferes with national and local food politics. Food sovereignty is a call for politics as critical democratic practice.

Before the creation of parallel forums, civil society participation in food and agriculture policies of the United Nations was mostly tactical. Tactics operate in the space of the other in which a person inserts his/herself without being able to step out of its logic – as in Foucault’s *dispositive*, which continually draws in new actors and engages them with forms of calculation, technical reasoning, human ‘capacity building’ and with nonhuman objects and devices such as GMOs

(Foucault, 1975: 218). If a person cannot count on a space of his/her own, or cannot maintain a clear boundary to distinguish him/herself from the other as a clearly visible totality, then that person can only make 'tactical' moves (De Certeau, 1990: xvi). Then, actors must constantly play with events in order to transform them into opportunities for making an impact that may not last. Thus, the 'rural poor', who were the particular target of FAO policies aimed at 'improving the welfare of the urban and rural poor', were encouraged to participate in 'field work and policy dialogue' (FAO Regional Office for Asia and the Pacific, 1999: 5) *within* the space of the FAO administration.

The parallel forums extracted themselves from the space organized by the *dispositif* of depoliticization, maintaining a space of their own from which they could engage in critique and develop a strategy. Strategy, the 'calculation of power relations', became possible from the moment when subjects with will and power of their own had 'a space that became the basis for managing their relations with a separate externality' (De Certeau, 1990: xvi). In this space they were able to debate, allow for internal controversies, and make sense of external constraints and opportunities. Moreover, to use the Gramscian notion, they were consolidating their 'good sense' in breaking with inconsistencies and imposed passivity (Thomas, 2009: 374), and advancing criticism and collective demands (McKeon, 2009).

This space that had existed informally in parallel to the UN system was formalized in 2009, when the multilateral CFS was reformed after its failure to come up with solutions during the world food crisis of 2008. The restructuring of the CFS pretended to give a voice to those populations without secure access to food, among them small producers from all over the world, but in order to 'balance' their influence it also opened up the political arena to representatives of associations of business enterprises. For the first time in UN history, civil society organizations and private sector organizations were sitting with representatives of governments around the table to discuss and make proposals about food policy issues. They were on an equal footing with governments right up until voting, which was the reserve of the member states. Although this limited the possibilities of intervention of civil society and the private sector, it situated the ultimate accountability and responsibility for CFS decisions clearly with governments (Kay, 2015). The stifled diplomatic atmosphere of the CFS was unmistakably shaken by the presence of civil society organizations challenging state representatives to prioritize human rights, and by private sector representatives calling for the compatibility of all principles with international and bilateral trade and investment treaties. Open controversies entered the arena of negotiation. For over two years, from 2012 to 2014, I followed the negotiations of the Principles for Responsible Investment in Agriculture and Food Systems in the CFS. Did the introduction of two clearly antagonistic collective actors, civil society and the private sector, allow for politics in the diplomatic arena of the CFS? Did the CFS become more than the 'world police for humanitarianism', to quote Jacques Rancière's (1999: 136) provocative definition of the UN institutions?

If we follow Rancière, the essence of politics is dissensus; however, political conflict does not simply involve opposition between groups with different interests (2010: 35). 'The structures proper to disagreement are those in which discussion of an argument comes down to a dispute over the object of discussion and over the capacity of those who are making an object of it' (Rancière, 1999: vii). In order to be political in Rancière's sense, the discussions about responsible agricultural investment in the CFS should have been about the moral foundations of economic practices: What makes investment in seed breeding technology 'responsible'? Who should decide what 'responsible' actually means? The debates became, however, a mechanism for channelling and attenuating critique. Expressions of politics emerged only as civil society organizations resisted harmonization, claiming their own voice (Rancière, 2010: 36).

Civil society organizations had actively campaigned to negotiate the Principles for Responsible Investment in Agriculture and Food Systems as a multilateral process in the realm of the United Nations in order to obtain guarantees from governments to rein in the global companies that invested massively in land, promoted biotechnologies and imposed seed patents. They also wanted a clear statement that would give precedence to human rights over the proliferation of trade and investment treaties that affected agricultural markets, state grain reserves and marketing boards, and enforced intellectual property rights over seeds.

According to the rules set by the CFS, civil society was expected to intervene 'in one voice' in the international negotiations. However, the organizations composing the Civil Society Mechanism (CSM) not only came from all over the world, they also had different constituencies, priorities and political outlooks. The internal rules of the CSM formally acknowledged a greater legitimacy for representatives of 'social movements', including farmers, farm workers, fisher folk organizations, large environmental membership organizations and indigenous peoples, and relegated nongovernmental organizations (NGOs) practising professional lobbying and policy work to a secondary role. For too long, NGOs had spoken in the name of the poor and suffering; now the latter were going to speak for themselves (fieldnotes). NGO employees who had worked in Rome for decades briefed the newcomers to the CSM on procedures and language and helped them navigate the cliffs of diplomacy. Representatives of social movements who spoke in the plenary sessions had become skilled in the art of linking an abstract proposal with a passionate political statement based on concrete life experiences back home. Their arguments referred to 'a familiar knowledge of the universe of practice' (Chateauraynaud, 2011) that simultaneously sought a voice at the global level.

Inside the civil society space, however, controversies were limited and moments of open political conflict and debate were rare. The members of the CSM informed each other, respected the complementarity of each other's experiences, and pragmatically avoided touching subjects that would have divided them. What helped to make the members act together was a 'collective imaginary' (Castoriadis, 1975) born out of a common dissatisfaction and familiarity with suffering in their various

everyday contexts, a disposition close to Adorno's (1978) being in touch with the warmth of things. In addition, they were aware that the structures of power oppressing them and others were similar and globalized. They acknowledged their common membership in a globalized society and history or, to quote Castoriadis (1975: 154), their 'consubstantiality and shared identity'. A member of the CSM expressed this feeling in his plenary address at the very first session of the negotiations on Principles for Responsible Investment in Agriculture and Food Systems on 2 July 2012: 'For us, investment in agriculture is not an object of study. It is what we ourselves do every day of our lives.'

The challenge in a political controversies is to restrain hostilities and construct 'the others' in a way such that they are no longer perceived as enemies, but as 'adversaries', whose ideas can be fought without questioning their right to defend them (Mouffe, 2000: 15); how did that democratic principle work out in the CFS? Quoting Wittgenstein (1958: 46e), Chantal Mouffe affirms:

We have got on to slippery ice where there is no friction and so in a certain sense the conditions are ideal, but also, just because of that, we are unable to walk. We want to walk: so we need friction. Back to the rough ground!

In the consensus-oriented arena of the CFS, the taming of discussions had been effective. Although members of the CSM were allowed and even expected to bear witness, they had to fall in line behind one common civil society voice when the actual negotiations started. To achieve this feat of coordinating the work of the often more than 30 civil society organizations present, they formed four well-prepared negotiating teams of three members each for each negotiation round. This internal organization of the negotiating team adopted a strict discipline – the institutional language and references of the United Nations – which allowed for coherence in statements but also took away the spontaneity and edge from the interventions. Nevertheless, a glimpse of the real world always became visible when farmers, fisher folk or indigenous peoples shed the shackles of official procedure and burst out to speak about their real-life situations.

Civil society negotiators obtained the mention of important principles in the text, such as farmers' rights to seeds; however, in the final text, representatives from member states sought to 'balance' human rights principles with international trade and investment rules. 'Agro-ecological approaches' were mentioned in Principle 6 but only to be followed immediately by an emphasis on 'sustainable intensification', a euphemism created by the biotechnology industry and its allies to promote GM proprietary seeds as a 'package of desirable and appropriate technologies' (Montpellier Panel, 2013: 21). Hidden behind the two terms of agro-ecology and sustainable intensification, two opposing models for the future of agriculture thus 'balanced' each other: a corporate-led model favouring agro-biotechnology; and a model building on the creativity and ingenuity of small-scale producers supported by participatory plant breeding. The states manoeuvred in between these two models (Müller and McMichael, 2014) and the outcome corresponded to a mere

association of contrary views that were, to quote Simmel (1908: 187) 'not only empirically unreal, but did not participate in processes of real life.'

The outcome of this balancing act was profoundly unsatisfactory for the CSM. The text of the principles remained unclear about what type of investment, made by whom and for whom, was deemed 'responsible'. The members of the CSM had negotiated up to the very end in order to ameliorate the text as much as possible, but then the civil society organizations decided on their most political move yet. Reading the final text against the backdrop of the real-life situations back home, a majority of social movement representatives rejected outright the principles that they had worked so hard to negotiate. To quote from the final declaration of the CSM, 'we are disappointed to say that for the constituencies of civil society – peasants, fisher folk, pastoralists, landless, urban poor, agricultural and food workers, women, youth, consumers, indigenous peoples, and NGOs – the document is not useful'.⁷ This rejection dissociated the CSM from the implementation of the document. At the same time, it allowed the civil society organizations to guard their autonomy and preserve a strategic position (De Certeau, 1990) with respect to the CFS, challenging its decisions and governance practices while relentlessly continuing to make the voice of civil society organizations heard.

Conclusion

The objective of this article was twofold. On the one hand, I have sought to explore the impulse for political action, the *Eigen-Sinn*, which incites men and women to give their own meaning to the world and act according to this sense given. On the other hand, I have looked at what makes men and women able to act together in opposition to a political and economic system according to which they feel demeaned and oppressed (Li, 2018).

Following the mobilizations against patented GM seeds from the field of the farmer to multilateral organizations, I uncovered the messy anthropological realities behind the concepts of autonomy (Adorno, 1966), good sense (Hoare and Nowell Smith, 1971) and counter-conduct (Foucault, 2004). Stubbornly (*eigensinnig*), Schmeiser claimed 'a place of his own' outside imposition (Lindenberger, 2014: 7; Lüdtkke, 1993: 139) that was neither morally good nor bad. His *Eigen-Sinn* was the necessary condition for counter-conduct in the Foucauldian sense (Foucault, 2004), but not sufficient to sustain an effective opposition to the institutional and economic structures of appropriation that he confronted. In order to be able to effectively resist, he needed others to take a step forward and go beyond their individual interests and help him. It was due to the exceptional generosity and empathy of ordinary people from all over the world, who gave Schmeiser financial support, helped him to sustain his resistance and, maybe more importantly, helped him understand the global implications of the injustice experienced, that he was able to resist more effectively.

In many ways, citizens active today in networks concerned with agriculture and food are reconnecting with 'the warmth of things'. By giving their own meaning to official procedures, by transforming law courts into political forums and by stubbornly

defending their seeds and holding on to different ways of growing food, a critical practice asserts itself. Collective actions emerge from a malaise, a feeling and experience that the actors involved have in common (Thompson, 1995). However, to be able to reflect on this experience, debate and sometimes bitter controversy are necessary (Mouffe, 2000). Achieving consensus clearly represented a limitation for the political work of the CMS. When confronting governments and the private sector inside the CFS, civil society organizations were compelled to speak in a common voice that was supposed to become a harmonious tune in the concert of voices that composed global consensus in the CFS. Debates mostly happened back home, where members of the CSM had to report back to people who were deeply involved in specific places, historical conjunctures and situations. Collective resistance emerged because CSM members understood each other's concrete suffering and the economic and political structures that defined the conditions of possibility for their political action (Thomas, 2010: 373–380, 435–436). Because they were able to draw on empathy and reflexive knowledge collectively, the members of the CSM were able to step out of the constraining institutional frame of the CFS. They affirmed their own strategic stand, refusing to endorse the Principles for Responsible Investment in Agriculture and Food Systems. This refusal allowed them to remain a lively political force inside the international arena.

To act on one's time means to inscribe oneself in the flow of history. Most of the time, intellectuals follow the movement and then take part in the discussion (Smith, 2014: 180). Political actions become really promising when actors manage to loosen the restrictive framework of organizations and create their own space and discourse in connection with their concrete life experiences. When daily action and theory converge, and when the 'good sense' expresses itself not only in words but also in concrete, banal, everyday activities like eating, growing and planning, then 'to act on one's time', to organize strategically for political action, becomes a possibility.

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Notes

1. Available at: www.organicconsumers.org/old_articles/monsanto/percy.php (last accessed 29 September 2017).
2. *Eigensinnig*: adverb derived from the noun *Eigensinn*.
3. Available at: www.organicconsumers.org/old_articles/monsanto/percy.php (last accessed 29 September 2017).
4. 'Man [...] while he is acting on nature as something exterior and is modifying it, he modifies also his own nature' (Marx, 1887: 127).

5. In paragraph 27.3b of the TRIPS (Trade-Related Aspects of Intellectual Property Rights) Agreement (an annex to the Marrakesh Agreement of 1994), signatory countries committed to instituting intellectual property rights over living organisms.
6. Declaration of Nyéléni, 27 February 2007. Available at: www.globalagriculture.org/report-topics/food-sovereignty.html (accessed 3 October 2017).
7. Available at: www.fian.org/fileadmin/media/publications/csm_Statement_on_RAI_final_en and https://www.youtube.com/watch?v=7_FksAaUje0 (last accessed 2 October 2017).

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